

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THE EMPLOYEE PAINTERS' TRUST, et al,

Plaintiffs,

v.

ETHAN ENTERPRISES, INC., a  
Washington corporation; REBECCA S.  
JOHNSON, individually, and  
GREGORY S. TIFT, individually,

Defendants.

CASE NO. C07-1707RSM

ORDER ON MOTION FOR  
SANCTIONS

This matter is now before the Court for consideration of defendants' motion for sanctions. Dkt. # 5. Defendants ask for sanctions against opposing counsel pursuant to Rule 11 of the Federal Rules of Civil Procedure, apparently for adding \$362.00 in attorneys' fees and costs to the judgment for which garnishment is sought in this matter. *See*, Dkt. # 1-3. Defendants also contend that the garnishment action against the Ethan Gregory corporation, a corporation with no assets, itself constitutes an abuse of process.

Defendants have failed to comply with the "safe harbor" requirement of Rule 11 that a motion for sanctions be served upon opposing counsel twenty-one days before it is filed. F.R.Civ.Proc. 11(c)(1)(A).

ORDER ON MOTION FOR SANCTIONS - 1

1 Defendants' motion, which was filed in this Court on October 22, 2007, indicates on its face that it was  
2 mailed to opposing counsel on October 19, 2007. The motion for sanctions is accordingly DENIED.

3 Plaintiffs are requested to advise the Court, within two weeks of the date of this Order, whether  
4 this supplemental proceeding may now be closed.

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6 DATED this 7<sup>th</sup> day of November 2007.

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8 RICARDO S. MARTINEZ  
9 UNITED STATES DISTRICT JUDGE  
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